

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

DEC 28 2012

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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MATHEW LEE GALLIMORE,)	CASE NO. 7:12CV00535
)	
Petitioner,)	
)	FINAL ORDER
vs.)	
)	
SUPERINTENDANT,)	By: James C. Turk
)	Senior United States District Judge
Respondent.)	

In accordance with the accompanying memorandum opinion, it is hereby

ADJUDGED AND ORDERED

that this action is **DISMISSED** without prejudice and is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right in his § 2254 petition, as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 28th day of December, 2012.

James C. Turk

Senior United States District Judge